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Summary record of the 67th meeting
Held at Headquarters, New York, on Thursday, 28 May 1998, at 10 a.m.

Chairman: Ms. Incera (Vice-Chairman) ..... (Costa Rica)
Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. Mselle

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In the absence of Mr. Chowdhury (Bangladesh), Ms. Incera (Costa Rica), Vice-Chairman, took the Chair.

The meeting was called to order at 10.30 a.m.

Agenda item 122: Financing of the United Nations peacekeeping forces in the Middle East (*continued*)

(b) United Nations Interim Force in Lebanon (*continued*) (A/C.5/52/L.52)

1. **Mr. Atiyanto** (Indonesia), introducing draft resolution A/C.5/52/L.52, on behalf of the Group of 77 and China, said that those delegations attached great importance to the financing of the United Nations Interim Force in Lebanon (UNIFIL) and strongly believed that General Assembly resolutions and decisions, including General Assembly resolution 51/233, should be fully implemented. In that regard, they deeply regretted to note from the report of the Secretary-General (A/52/804) that, to date, no payment had been received from the party concerned with regard to paragraphs 7 and 8 of General Assembly resolution 51/233. The Group of 77 and China hoped that draft resolution A/C.5/52/L.52 would be adopted by consensus.

Agenda item 153: Human resources management (*continued*) (A/52/30/Add.1, A/52/488)

2. **The Chairman** drew attention to the report of the Secretary-General on the proposed United Nations Code of Conduct (A/52/488), a question which was also being considered under items 114 and 157. She recalled that the General Assembly, in its decision 52/521, had invited the International Civil Service Commission (ICSC) to examine the proposed Code of Conduct as a matter of priority. The Committee therefore had before it the relevant report of ICSC (A/52/30/Add.1).

3. **Mr. Vegega** (Vice-Chairman of the International Civil Service Commission), introducing the comments of ICSC on the report of the Security-General on the proposed United Nations Code of Conduct (A/52/30/Add.1), said that, following the adoption of General Assembly decision 52/521, ICSC had rearranged its sessional work programme so as to complete its review of the proposed Code of Conduct in a timely manner. In order to deal with the matter, it had formed an open-ended working group of the whole in which, in addition to the members of ICSC, representatives of the United Nations Secretariat, of a number of specialized agencies and of the Coordinating Committee for Independent Staff Unions and Associations of the United Nations System (CCISUA) had participated. The representatives of the specialized agencies had made it clear that their presence should not be interpreted as support for the proposed Code; rather, they wished to ensure that the proposed Code would apply only to the United Nations, that it would not be applicable to the other organizations, which had their own individual needs and that the United Nations initiative would in no way affect the prerogative of those organizations to develop their own ethical standards, should they decide to do so. Under article 15 of its statute, however, ICSC had a responsibility to make recommendations to the organizations on the development of common staff regulations, taking into account the particular responsibilities and mandates of each organization. It was because of its implications for the common system that the General Assembly had referred the matter to ICSC.

4. ICSC, and other participants in the working group, had considered that a more appropriate title should be selected for the Code, since the impression was created that the objective of the proposed Code was to replace the 1954 Standards of Conduct prepared by the International Civil Service Advisory Board (ICSAB) the predecessor to ICSC. When the Secretariat had assured ICSC that the proposed Code was an amendment to article I of the Staff Regulations and chapter I of the Staff Rules, ICSC had decided to carry out its review by comparing the existing regulations and rules with the proposed amendment, concentrating on areas where substantive differences could be identified.

5. ICSC had reviewed the recommendations and comments of the working group and adopted them as its report (A/52/30/Add.1). In transmitting the report to the General Assembly, ICSC had decided to recommend that the United Nations might proceed with the proposed amendment to its Staff Regulations and Rules, on the understanding that the revised text was applicable to the United Nations only and would not be applicable to other organizations. ICSC had made a distinction between the proposed amendments to legal texts and a review of common standards which, in its view, should govern the entire civil service. The discussion had pointed to the need to modernize existing ethical standards, an undertaking in which a number of national civil services were currently engaged. For that reason, ICSC would embark on the updating of the 1954 ICSAB Standards of Conduct, in collaboration with the common system organizations.

6. **Mr. Bond** (United States of America) said that since the proposed Code of Conduct had been under consideration for over four years, and had now been reviewed by ICSC, it would be unconscionable if the Committee failed to adopt it, especially in the light of the recommendation by ICSC. Member States were very interested in the proposed Code, as a symbol of United Nations reform efforts. There was

broad support for it, and the Committee must act. It was his delegation's understanding that the Code would apply only to the United Nations; ICSC would then consider how it could be applied to the entire United Nations system.

7. **Ms. Powles** (New Zealand) said her delegation noted that, in paragraph 47 of its report (A/52/30/Add.1), ICSC recommended that the United Nations might proceed with the proposed amendment to its Staff Regulations and Rules, in order that the United Nations Code of Conduct might enter into effect. In paragraphs 15, 16 and 17 of the report of the Secretary-General (A/52/488), the General Assembly was asked to approve the report and adopt the necessary amendments to the Staff Regulations, and to take note of the text of chapter I of the Staff Rules, to be promulgated by the Secretary-General. Her delegation hoped that the new Staff Regulations would enter into effect as soon as possible; the original deadline of 1 January 1998 set by the Secretary-General had already been missed, and six months had elapsed since the General Assembly had decided that consideration of the item should be expedited. The Committee should aim to complete its work on the item before the end of the fifty-second session, and should decide to take action as soon as possible to facilitate the implementation of the Code of Conduct.

8. **Mr. Medina** (Morocco) said that, since the report of ICSC had only just become available, his delegation had not had time to study it. The Committee had very little time left at the current part of the resumed session, and would not be able to give adequate consideration to the report at the third part of the resumed session. In view of the sensitive nature of the amendments, his delegation therefore proposed that the Committee should defer consideration of the item to the fifty-third session of the General Assembly.

9. **Mr. Farid** (Saudi Arabia) said that the United Nations, as a huge organization, needed a Code of Conduct and the General Assembly should not postpone the Code any longer.

10. With regard to staff regulation 1.2 (o), his delegation felt strongly that there was a need for financial disclosure at the D-1 level and above, especially in sensitive areas such as disbursements and procurement.

11. **Mr. Thorne** (United Kingdom), speaking on behalf of the European Union, said that the Committee should take note of the comments by ICSC and that the Secretary-General should be free to implement the Code.

12. **Mr. Sulaiman** (Syrian Arab Republic) said that he shared the view expressed by the representative of Morocco. The Committee could not at present approve the proposed Code of Conduct, following incorporation of the amendments proposed by ICSC, before his country's authorities had examined the comments of ICSC. He pointed out that his delegation had only recently received the report of ICSC and he therefore supported deferral of the decision on the proposed Code until the fifty-third session.

13. **Mr. Armitage** (Australia) said that when the Committee had last considered the proposed Code of Conduct, there had been very few issues of substantive concern. The Committee had given in-depth consideration to the Code, and had determined that it was a matter of priority. It should therefore try to finish its consideration of the matter by the end of the fifty-second session.

14. **Mr. Darwish** (Egypt) said that his delegation welcomed the proposed Code and the ideas which it contained. It also supported some of the specific proposals submitted by various delegations, including the proposal to extend the requirement concerning financial disclosure statements. He referred to the comments made at previous sessions, as well as the comment of the Legal Counsel of the Food and Agricultural Organization of the United Nations (FAO) concerning the title of the proposed Code, and proposed that it should be changed to "Code on the Rights and Duties of Staff", as the current title created the impression that there were transgressions of conduct. He requested clarification as to what had been done concerning the move to extend the requirement concerning financial disclosure statements to the top grades in the Organization and to certain sensitive positions in the Department of Peacekeeping Operations and the Purchasing Section. The latter was an important section handling billions of dollars and it was therefore essential to establish certain controls. He added that, although his delegation supported the ICSC recommendations, it believed that they should not be approved hastily in view of the radical changes in the current Financial Regulations and Rules which would be required.

15. **Ms. Buergo-Rodriguez** (Cuba) said that, since the Committee had been considering the proposed Code for some time, it should now complete its work. It could not, however, simply take note of a document which it had not had an opportunity to consider. The Committee needed to give detailed consideration to the comments of ICSC and should take a decision at the fifty-third session.

16. **Mr. Medina** (Morocco) said that his delegation attached great importance to the proposed Code and was not opposed to its application to the staff of the United Nations and of all the organizations in the system. However, because of the special nature of the Code and its legal implications, his delegation had asked that consideration of the report

should be deferred to the fifty-third session so that it could be considered in detail with all due attention.

17. **Mr. Hanson** (Canada) said that his delegation supported the Secretary-General's proposed Code of Conduct and the recommendations currently before the Committee. The proposed Code, including the issues referred to in the ICSC report, had already been debated thoroughly. For example, on the subject of financial disclosure, paragraph 34 of the ICSC report (A/52/30/Add.1) indicated that one of the participants in the discussions had said that proposed staff regulation 1.2 (o) was unnecessary because Member States would not propose candidates lacking in integrity. Given the complexities of human nature, however, the Member State which he represented would not venture to subscribe to such a statement. A financial disclosure requirement would not conflict with the right to privacy, as the information disclosed would not be made public.

18. **Mr. Sial** (Pakistan) said he was pleased to note that, according to the ICSC report, the Coordinating Committee for International Staff Unions and Associations of the United Nations System (CCISUA) had expressed no serious reservations to the proposed Code of Conduct. The proposal put forward by the representative of Saudi Arabia deserved consideration. Although his delegation felt that a code of conduct was needed for the staff of both the United Nations and the specialized agencies, it noted the ICSC recommendation that, for the time being, the proposed Code should apply only to United Nations staff. Noting that, in paragraph 48 of its report, ICSC recommended that the name of the proposed Code of Conduct should be changed but had not suggested an alternative, he asked whether the name would indeed by changed and, if so, what new name would be chosen.

19. **Mr. Blukis** (Latvia) said that the Committee had already implicitly decided to consider the ICSC report on the proposed Code of Conduct at the fifty-second session, since it had asked ICSC to deal with the issue as a matter of priority. The Committee should show its appreciation of the Commission's efficiency by also taking prompt action on the issue, not necessarily by the end of the current part of the resumed session, but certainly during the third part.

20. **Mr. Elmontaser** (Libyan Arab Jamahiriya) expressed regret that the ICSC report had been submitted so late. His delegation attached importance to the proposed Code of Conduct, which it supported in principle. Some comments, however, required detailed discussion and he therefore believed that consideration of the report should be deferred until later so that it could be studied.

21. **Mr. Ahounou** (Côte d'Ivoire) said that, since the ICSC report had only just become available, delegations had not had time to study it in depth. In view of the importance of the issue in the context of the overall reform process, the Committee should not act hastily. It should discuss the comments of ICSC during the third part of the resumed fifty-second session.

22. **Mr. Yamagiwa** (Japan) said that the comments that had been made indicated that further discussion was needed on some points. At the same time, the Committee should spare no effort to accelerate its consideration of the proposed Code of Conduct.

23. **Ms. Powles** (New Zealand) said that she had not meant to propose that the Committee should take a decision on the issue the following day, at the one remaining formal meeting of the second part of the resumed session. Rather, the item should be scheduled for consideration during the third part of the resumed session. That would give delegations three months in which to study the ICSC report. Deferring the item to the fifty-third session would be completely unacceptable to her delegation.

24. **Ms. Laux** (Officer-in-charge of the Office of Human Resources Management) said, in reply to the representative of Pakistan, that the name of the proposed Code of Conduct could be changed either to "Article I of the Staff Regulations and chapter I of the Staff Rules" or to "Duties, Rights and Obligations of Staff Members".

25. **Mr. Darwish** (Egypt) reiterated his proposal that the title of the proposed Code should be "Code on the Rights and Duties of Staff" rather than "Code of Conduct" and requested the reaction of members to that proposal.

26. **Mr. Ahounou** (Côte d'Ivoire) said that, before beginning to debate the substance of the issue, the Committee must first decide whether to consider it immediately or to defer it until the third part of the resumed session.

27. **Ms. Powles** (New Zealand) said that her delegation was open to suggestions about the name or to discussions on the substance of the proposed Code of Conduct at any time.

28. **Ms. Laux** (Officer-in-charge of the Office of Human Resources Management) said that the new name proposed by the representative of Egypt was acceptable.

29. **The Chairman** suggested that, at its next formal meeting, the Committee should decide when to consider the proposed Code of Conduct.

30. *It was so decided.*

The meeting rose at 11.30 a.m.